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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,335	05/18/2005	Hiroya Kusaka	P27931	3746
52123 7590 08/10/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER BELTOWSKI, JARED D				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

### Office Action Summary

**Application No.**

10/535,335

**Applicant(s)**

KUSAKA ET AL.

**Examiner**

Jared Beltowski

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2009 and 06 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The specification is objected to. The Examiner respectfully notes that the title specified on the Bibliographic Data Sheet, "Intergrated Video Data File Intergration Device And Method Therefor And Intergrated Video Data File Reproduction Device And Method" contains the misspelled words "intergrated" and "intergration". The Examiner recommends amending the title to correct the misspellings or use the title listed on other application documents.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-11 are rejected under 35 U.S.C. §112 2<sup>nd</sup> Paragraph** for reciting terms with improper antecedent basis. For example, in regard to claim 3: while it is assumed that 'plural data groups' and 'data groups' and 'plural data groups before consolidation' are equivalent, there is no definition of 'the directory file structure information of the data groups before consolidation'. Also, 'management information file', 'management information file different from those of the data groups' and 'management information file after consolidation' lack proper antecedent basis. Similar problems exist in all claims. The examiner suggests amending the claims to use a single phrase to represent each unique feature of the apparatus with proper antecedent basis.

4. **Claims 3-7 and 10-11 are rejected under 35 U.S.C. §112 2<sup>nd</sup> Paragraph.** Claims 3-7 provide for the use of plural data groups and claims 10-11 provide for the use of the consolidated video, but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it

merely recites a use without any active, positive steps delimiting how this use is actually practiced.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 3-7 and 10-11 are rejected under 35 U.S.C. 101** because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application 09/973,705 available as U.S. Pre-Grant Publication 2003/0165328 (Grecia).**
8. Grecia discloses a method, and the apparatus which performs this method, where a computer system running CDRWIN software converts video stored on a Video CD into the bin/cue format stored on the computer's hard drive. The files of a Video CD are arranged in a

specific file and directory format as defined by the "White Book" specification, outlined by the attached NPL document. The NPL document is not relied upon as prior art. It is quoted as a convenience for the Applicant to disclose the state of the art at the time of invention and to disclose details of Video CDs mentioned in the prior art.

9. **In regard to claim 1**, Grecia discloses a video data file consolidating apparatus for converting and consolidating video data files and management information data files associated therewith before consolidation which are recorded in a data format of a directory file structure before consolidation in a first recording medium (NPL document), into a data format of a different directory file structure for a second recording medium (paragraph 29, bin-cue format), said apparatus comprising: conversion processing means for converting said management information files before consolidation and video data files before consolidation to said management information file (cue file) after consolidation and video data file (bin file) after consolidation (paragraph 29), wherein said conversion processing means converts directory file structure information in units of the recording media before consolidation to reproduction control information in a data format of said management information file for after consolidation so as to be recorded at the time of consolidation. The directory structure of the Video CD is enveloped into the bin file. The cue file references the location of the directory information in the bin file.

10. **In regard to claim 2**, Grecia discloses a video data file consolidating apparatus for converting and consolidating video data files and management information data files associated therewith before consolidation which are recorded in a data format of a directory file structure before consolidation (Video CD disc and contained files), into a data format of a different directory file structure (bin-cue format), said apparatus comprising: a recording medium for

before consolidation for recording said video data files before consolidation and management information data files associated therewith (Video CD); a recording medium (computer hard drive) for after consolidation for recording said video data file after consolidation (bin file) and management information data file associated therewith (cue file); first reading/writing means for reading and writing data on said recording medium for before consolidation (inherent to CD drive); second reading/writing means for reading and writing data on said recording medium for after consolidation (inherent to hard drive); and conversion control means (processor of computer under direction of CDRWIN software) for controlling conversion of the data recorded in said recording medium for before consolidation to a data format to be used in said recording medium for after consolidation (paragraph 29), or controlling conversion inverse thereto, wherein said conversion control means performs conversion - processing of said management information files before consolidation (non-movie files of Video CD) to said management information file after consolidation (cue file), and performs conversion processing of said video data files before consolidation (MPEG movie files of VIDEO CD) to said video data file after consolidation (bin file), and when consolidating into said management information file and video data file after consolidation to be recorded in the data format used in said recording medium for after consolidation, said conversion control means converts information relating to a directory and file structure of a data group before the data conversion to the reproduction control information which is additionally recorded in said management information file after consolidation. . The directory structure of the Video CD is enveloped into the bin file. The cue file references the location of the directory information in the bin file.

11. **In regard to claim 3**, Grecia discloses a video data file consolidating method for consolidating plural data groups consisting of at least one video data file (MPEG movie files of Video CD) and at least one management information file including information associated therewith in units of the data groups (non-movie files of Video CD) to create new video data file (bin file) and management information file (cue file) different from those of the data groups, wherein said plural data groups before consolidation are data groups recorded in a predetermined same data format and directory file structure (according to the Video CD specification), and the directory file structure information of the data groups before consolidation is converted to reproduction control information in the data format of the management information file after consolidation and is recorded in the management information file after consolidation (paragraph 29). The directory structure of the Video CD is enveloped into the bin file. The cue file references the location of the directory information in the bin file.

12. **In regard to claim 4**, Grecia discloses the video data file consolidating method according to claim 3, wherein both or one of file name information and directory name information of the data file in the directory file structure before consolidation is converted to text information in the data format of the management information file after consolidation to be recorded. (paragraphs 29-39) . The directory structure of the Video CD is enveloped into the bin file. The cue file references the location of the directory information in the bin file.

13. **In regard to claim 5**, Grecia discloses the video data file consolidating method according to claim 3, whereto the reproduction control information (contained in the cue file) has identification information for identifying the reproduction control information (references to bin file in the cue file) and changes the identification information when the directory file structure

information of the data groups before consolidation is converted to the reproduction control information in the data format of the management information file after consolidation. (paragraphs 29-39) Identification information is added to the cue file as the cue file is being created. This changes the identification information.

14. **In regard to claim 6**, Grecia discloses the video data file consolidating method according to claim 5, whereto the identification information is text information provided to the reproduction control information. (paragraphs 29-39) The cue file is stored as text.

15. **In regard to claim 7**, Grecia discloses the video data file consolidating method according to claim 5, whereto the identification information is flag information provided to the reproduction control information. (paragraphs 29-49) The cue file contains various flags such as a mode 2 read flag (paragraph 49).

16. **In regard to claim 8**, Grecia discloses a consolidated video data file reproducing apparatus (DVD or CD player qualified to play Video CDs) for reproducing a new video data file (paragraphs 29-49; the extracted Video CD files) different from data groups (*the following clause is assumed to refer to 'new video data file'*) created by consolidating plural data groups consisting of at least one video data file (MPEG movie files on Video CD) and at least one management information file including information associated therewith in units of the data groups (non-movie data files on Video CD), wherein said plural data groups before consolidation are data groups recorded in a predetermined same data format and directory file structure (Video CD specification; NPL reference), and the directory file structure information of the data groups before consolidation is converted to reproduction control information in a data format of the management information file after consolidation to be recorded in the management information



file after consolidation (cue file), and wherein said video data file after consolidation is reproduced (bin file) by utilizing the reproduction control information (burning Video CD image to a disc). (paragraphs 29-51)

17. **In regard to claim 9**, Grecia discloses the consolidated video data file reproducing apparatus according to claim 8, wherein both or one of file name information and directory name information of the data file in the directory file structure before consolidation are converted into text information in the data format of the management information file after consolidation and is recorded, and the recorded information is reproduced. (paragraphs 29-39). The directory structure of the Video CD is enveloped into the bin file. The cue file references the location of the directory information in the bin file.

18. **In regard to claims 10 and 11**, Grecia discloses the method performed by the apparatuses of claims 8 and 9. See the rejection rationales above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared Beltowski whose telephone number is (571) 270-7120. The examiner can normally be reached on Monday-Friday, 7:30 am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jared Beltowski/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621